

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**ERIC LEE CHILDRESS,**  
**Plaintiff,**

**v.**

**GERALD MCPEAK, et al,**  
**Defendant(s).**

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**Civil Action No. 7:15-cv-00474**

**OPINION**

**By: James P. Jones**  
**United States District Judge**

Eric Lee Childress, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. By Order entered September 28, 2015, the court directed plaintiff to submit within 21 days from the date of the Order a new amended complaint complying with Rules 8, 10, 18 and 20 of the Federal Rules of Civil Procedure. Such amended complaint may join multiple defendants ONLY if (1) the right to relief asserted against them arises out of the same transaction or occurrence, or series of transactions or occurrences, AND (2) at least one question of law or fact is common to all defendants. Plaintiff was notified that if he failed to timely file an amended complaint, or his amended complaint seeks to join disparate claims in violation of Rule 20, the court may dismiss this entire action without prejudice. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 21 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 29<sup>th</sup> day of October, 2015.

s/James P. Jones  
United States District Judge